

Sir Gordon Slynn, R. Joliet and P. J. G. Kapteyn, Presidents of Chambers, G. F. Mancini, C. N. Kakouris, G. C. Rodríguez Iglesias, M. Díez de Velasco and J. L. Murray, Judges; C. Gulman, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 December 1991, the operative part of which is as follows:

1. *By not adopting the measures needed to implement the judgment of the Court of Justice of 24 May 1988 the Kingdom of Belgium has failed to fulfil its obligations under Article 171 of the EEC Treaty.*
2. *The Kingdom of Belgium is ordered to pay the costs.*

**Action brought on 25 November 1991 by the Commission of the European Communities against the Kingdom of Belgium**

(Case C-296/91)

(92/C 10/11)

An action against the Kingdom of Belgium was brought before the Court of Justice on 25 November 1991 by the Commission of the European Communities, represented by Thomas van Rijn, a member of the Commission's Legal Department, with an address for service in Luxembourg at the office of Roberto Hayder, Legal Department of the Commission.

The applicant claims that the Court should:

- declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 89/321/EEC (\*) of 27 April 1989 amending for the second time the Annexes to Council Directive 77/96/EEC (†) on the examination for *Trichinae* (*Trichinella spiralis*) upon importation from third countries of fresh meat derived from domestic swine the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty,
- order the Kingdom of Belgium to pay the costs.

*Pleas in law and main arguments adduced in support:*

Article 189 of the EEC Treaty states that a directive is binding as to the result to be achieved. Consequently,

(\*) OJ No L 133, 17. 5. 1989, p. 33.

(†) OJ No L 26, 31. 1. 1977, p. 67.

Members States have an obligation to observe the time limits laid down for complying with the directive. The Kingdom of Belgium did not introduce the necessary measures to implement the abovementioned directive before the time limit expired on 1 September 1989.

**Action brought on 25 November 1991 by the Commission of the European Communities against the Kingdom of Belgium**

(Case C-297/91)

(92/C 10/12)

An action against the Kingdom of Belgium was brought before the Court of Justice on 25 November 1991 by the Commission of the European Communities, represented by Thomas van Rijn, a member of the Commission's Legal Department, with an address for service in Luxembourg at the office of Roberto Hayder, Legal Department of the Commission.

The applicant claims that the Court should:

- declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 88/288/EEC (\*) of 3 May 1988 amending Directive 64/433/EEC (†) on health problems affecting intra-community trade in fresh meat and Council Directive 88/289/EEC (‡) of 3 May 1988 amending Directive 72/462/EEC (§) on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries, the Kingdom of Belgium has failed to fulfil its obligations under the Treaty,
- order the Kingdom of Belgium to pay the costs.

*The pleas in law and main arguments* are the same as those in Case C-296/91; the time limit for complying with the Directive expired on 1 January 1989.

(\*) OJ No L 124, 18. 5. 1988, p. 28.

(†) Official Journal, English Special Edition, 1963/64, p. 2012/64.

(‡) OJ No L 124, 18. 5. 1988, p. 31.

(§) Official Journal, English Special Edition, 1972, p. 7.